# A BILL

#### for

# AN ACT TO AMEND THE CONSTITUTION

### **OF THE BAHAMAS**

### The Bahamas Constitution (Amendment) (No.3) Act, 2002.

**WHEREAS** it is enacted inter alia by Article 54(1) of the Constitution that subject to the provisions of Article 54, Parliament may, by an Act of Parliament passed by both Houses, alter any of the provisions of the Constitution:

**ENACTED** by the Parliament of The Bahamas in accordance with the provisions of Article 54 of the Constitution.

Short title.	<b>1.</b> (1) This Act may be cited as The Bahamas Constitution (Amendment) (No.3) Act, 2002.				
	alteration of th	(2) ne Cons		t shall have effect for the purpose of the	
Interpretation.				In this Act "the Constitution" means the the Schedule to The Bahamas Independence Order,	
Repeal and replace- ment of Article 78 of	<b>3.</b> replaced by th	e follov		78 of the Constitution is repealed and	

"Functions 78. (1) There shall be anof the Attorney-General. Attorney-General who shall be the principallegal adviser to the Government of The

the Constitution.

Bahamas and the office of the Attorney-General shall be the office of a Minister.

(2) The Attorney-General shall be responsible for the administration of Legal Affairs in The Bahamas and legal proceedings for and against the State shall be taken —

- (a) in the case of civil proceedings, in the name of the Attorney-General;
- (b) in the case of criminal proceedings, in the name of the Queen.

(3) The Attorney—General may, in the case of any offence to which this paragraph applies, give general or special directions to the Director of Public Prosecutions as to the exercise of the powers conferred upon the Director of Public Prosecutions by Article 92A and the Director of Public Prosecutions shall act in accordance with those directions.

- (4) Paragraph (3) applies to—
  - (a) offences under the laws of The Bahamas relating to -

- (i) piracy,
- (ii) trading or otherwise dealing in slaves,
- (iii) foreign
  enlistment,
  to interfere
  with the
  peaceful
  relations of
  The

Bahamas with foreign states,

(v) high treason, treason, misprison of treason

or treachery,

(vi) sedition or seditious

meetings,

- (vii) official secrets,
- (viii) mutiny or

incitement to mutiny,

(ix) unlawful

oaths; and

(b) any offence under an enactment relating to any right or obligation of The

Bahamas under international law.

(5) The Attorney—General may, in any case involving general considerations of public policy, give general or specific directions to the Director of Public Prosecutions as to the exercise of the powers conferred upon the Director of Public Prosecutions by Article 92A and the Director of Public Prosecutions shall act in accordance with those directions.".

# **OBJECTS AND REASONS**

This Act seeks to make an amendment to the Constitution of The Bahamas.

As a consequence of the creation of this office of Director of Public Prosecutions, Article 78 has been amended to transfer those powers relating to criminal proceedings (except those reserved to the Attorney-General) to the Director of Public Prosecutions and the Attorney-General in his or her capacity as principal legal adviser to the Government will exercise overall responsibility for the administration of legal affairs in The Bahamas (see clause 3)